

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DAVID ROBINSON, JR.,

Plaintiff,

-against-

MICHAEL BLOOMBERG, Mayor, NYC;
RAYMOND KELLY, Commissioner, NYPD;
ANDREA EVANS, Chairwoman, NYS Division of
Parole; NEW YORK CITY POLICE DEPARTMENT;
NEW YORK STATE DIVISION OF PAROLE;
CITY OF NEW YORK; STATE OF NEW YORK;
CARL ROBINSON, Detective, 100th Pct.;
CHERYL ROBINSON, Government Agent;
HOLLIS RUSH, Government Agent; TOM DAVIS,
Government Agent; and RAYMOND TERRY, Jr.,
Government Agent, in their individual and official
capacities,

Defendants.
-----X

TOWNES, United States District Judge:

On May 1, 2012, plaintiff David Robinson, Jr. ("Plaintiff"), proceeding *pro se*, commenced this civil rights action against the 12 above-captioned defendants (collectively, "Defendants"), principally alleging that Defendants were subjecting him to unlawful surveillance in retaliation for his bringing a prior lawsuit. In a Memorandum and Order entered May 18, 2012, this Court granted Plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. §1915, but held that Plaintiff's complaint failed to state a claim because it did "not contain factual allegations that 'raise a right to relief above the speculative level.'" *Robinson v. Bloomberg*, No. 12-CV-2178 (SLT)(LB), 2012 WL 1828068, at *5 (E.D.N.Y. May 18, 2012) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). The Court granted Plaintiff leave to replead within 30 days of the date of the memorandum and order, but advised Plaintiff

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ SEP 28 2012

BROOKLYN OFFICE

David
9/28/12
(S)

clm

that if he failed to file his amended complaint within the time allowed or to plead sufficient facts, this action would be dismissed. *Id.*

Plaintiff never filed an amended pleading. Rather, on May 31, 2012, he filed a Notice of Interlocutory Appeal with the United States Court of Appeals for the Second Circuit. In September 2012, the Second Circuit denied Plaintiff's motion to proceed *in forma pauperis* and dismissed his appeal because it "lack[ed] an arguable basis in law or fact." *See Robinson v. Bloomberg*, No. 12-2292, slip op. at 1 (2d Cir. Sept. 4, 2012) (issued as mandate on Sept. 25, 2012).

Since Plaintiff failed to file an amended complaint within the time allowed by this Court's Memorandum and Order dated May 17, 2012, it is

ORDERED that this action is dismissed with prejudice. The Clerk of Court shall enter judgment in favor of Defendants and shall close this case.

SO ORDERED:

SANDRA L. TOWNES
United States District Judge

Dated: September 27, 2012
Brooklyn, New York